IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 14740 of 2004

Between:

1 Mohd Ekbal S/o Imam Sab,
Agriculturist and R/o Ashok Nagar (V) Khanapur Mandal, Warangal District
2 Mohad Maqbul S/o Ekbal
Agriculturist and R/o Ashok Nagar (V) Khanapur Mandal, Warangal District
3 Mohd. Abdul Khader Jilani S/o Khasim,
Agriculturist and R/o Ashok Nagar (V) Khanapur Mandal, Warangal District
4 Mohd abdul Samad S/o Khasim
Agriculturist and R/o Ashok Nagar (V) Khanapur Mandal, Warangal District
5 Mohd. Abdul Rasheed, S/o Khasim
Agriculturist and R/o Ashok Nagar (V) Khanapur Mandal, Warangal District
6 Mohd Abdul Raheem S/o Khasim
Agriculturist and R/o Ashok Nagar (V) Khanapur Mandal, Warangal District
7 Mohd. Abdul Naheem, S/o Khasim
Agriculturist and R/o Ashok Nagar (V) Khanapur Mandal, Warangal District
8 Mohd. Abdul Ghouse, S/o Khasim
Agriculturist and R/o Ashok Nagar (V) Khanapur Mandal, Warangal District
9 SK. Abdull Nabi S/o Shaik Ahmad
Agriculturist and R/o Ashok Nagar (V) Khanapur Mandal, Warangal District
10 S.K. Khyrunnisa D/o Abdul Nabi
Agriculturist and R/o Ashok Nagar (V) Khanapur Mandal, Warangal District
11 S.K. Sadiq S/oEnkusha Vali
Agriculturist and R/o Ashok Nagar (V) Khanapur Mandal, Warangal District
12 S.K. Amkjad S/o Sadiq,
Agriculturist and R/o Ashok Nagar (V) Khanapur Mandal, Warangal District
13 S.K. Azeez, S/o Sadiq
Agriculturist and R/o Ashok Nagar (V) Khanapur Mandal, Warangal District
14 Mohd Shabeer, S/o Samad
Agriculturist and R/o Ashok Nagar (V) Khanapur Mandal, Warangal District

15 Mohd Nazeer, S/o Samad
Agriculturist and R/o Ashok Nagar (V) Khanapur Mandal, Warangal District

..... PETITIONER(S)

AND

1 The District Collector, Warangal District
2 Forest Range Officer, Narsampet, District Warangal
3 Sub-Divisional Forest Officer, Narsampet, District Warangal
4 Divisional Forest Officer, South, Warangal

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or Writ more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents in dispossessing the petitioners from their respective agricultural lands bearing Sy. No. 1/1 to an extent of 37.20 guntas situated at pocharam Shivar, H/o Budharaopet Village of Khanapur Mandal, District Warangal with the boundaries viz. East Ring Road: North R&B Road; West Pakal Cheruvu Shikam and south Pakhal Cheruvu Shikam, without following the due process of law as illegal the due process of law as illegal, arbitrary, high handed, without any authority of law and opposed to the Principles of Natural Justice and violative of Fundamental Rights guaranteed under Article 14 19, 21 & 300-A of the Constitution of India & Consequently declare that the petitioners are entitled to cultivate the agricultural lands in their respective land.

Counsel for the Petitioners:MR.P.PURUSHOTHAM REDDY

Counsel for the Respondents: THE GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

Mr. C.Malla Reddy, learned Senior counsel appearing for the petitioners submits that there is a dispute between the revenue officials and the forest officials with regard to the land, which is in occupation of the petitioners and that the said land is claimed by the Forest Department as it falls under Reserve Forest Area, and therefore, suffice if a direction is issued to demarcate the land and to such course, the Government Pleader has no objection.

In view of the aforesaid submissions made by the learned counsel for the petitioners and also in view of the facts and circumstances of the case, the first respondent is directed to issue necessary direction to the revenue officials to demarcate the land of Revenue survey number and Reserve forest area in consultation with forest officials over the land, which is in occupation of petitioners, if any.

The writ petition is accordingly disposed of. No costs.

19th AUGUST, 2004.

Kvni

To

1 The District Collector, Warangal District
2 The Forest Range Officer, Narasampet, District Warangal
3 The Sub-Divisional Forest Officer, Narasampet, District Warangal
4 The Divisional Forest Officer, South, Warangal

5 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad. (OUT)

6 Two CD copies.